



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

MARCH 10, 2009

PRESENT: Acevedo, Koepp-Baker, Escobar, Lyle, Moniz, Mueller, Tanda

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe and Minutes Clerk Johnson.

Chair Koepp-Baker called the meeting to order at 7:00 p.m., inviting all present to join as she led the pledge of allegiance to the U.S. flag.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Koepp-Baker opened the floor to public comment for matters not appearing on the agenda. Noting that no one in attendance expressed a wish to address items not appearing on the agenda, the public hearing was closed.

CONSENT CALENDAR:

MINUTES:

**FEBRUARY 24,
2009**

**COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE
THE FEBRUARY 24, 2009 MEETING MINUTES WITH THE FOLLOWING
CORRECTIONS:**

Page 2, 2nd table: ***and*** for Fiscal Year 2011 ~~and~~ - 2012:

Page 4, disclosure: ...with ~~his~~ ***the City Attorney***....

Page 3, paragraph 2 (~~add~~): ***In response to another of Commissioner Lyle's questions, Mr. Schilling indicated that the units transferred to the E. Dunne project would start at least as soon as they would have with the Jarvis project.***

Page 8, paragraph 1, last line: but we need to get parking ~~down~~ ***done*** for the Third Street promenade construction."

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THE MOTION PASSED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: MONIZ (item 1 only); ABSENT ESCOBAR.

PUBLIC HEARINGS:

1) UPA-00-02: LLAGAS-OLD MORGAN HILL ELEMENTARY SCHOOL

A request to amend the conditional use permit relating to the operation of a private elementary school located at 410 Llagas Rd. The proposed amendment would allow the current enrollment limit of 130 students to increase by 70 students to a maximum enrollment of 200 students. The project site is zoned R-1 (7000) single family residential.

PM Rowe presented the staff report, saying this was a requested amendment to the Conditional Use Permit (CUP) to allow an increase in enrollment from the current 130 student to a maximum of 200 learners. As way of background information, PM Rowe spoke of the CUP approved in June 2002, when the school moved to this location. "Several conditions relating to the school, including detailed 'drop off - pick up' guidelines were established," he said, and went on to itemize several:

- restrictions to use of playfields
- arrival times start times (not capacity)
- student enrollment 130 1st year; then increased enrollment up to 200 students following an additional traffic report (has not been deemed necessary as enrollment has not risen above student enrollment restriction)
- number of residents concerned of impact on neighborhood

PM Rowe also noted that in the time the school has been located at the current site, only one complaint has been received, that being when a road was used for an alternate access route with an overflow onto the main street. Planning Department staff had called the principal and the issue was quickly resolved, he said. The City has not received complaints regarding traffic at the site, PM Rowe advised.

"The school would like the opportunity to increase student enrollment, as attested in the provided letter from the applicant," he said. "When the CUP was originally approved, the Planning Commission was cautious to allow the terms of the traffic analysis at pick up time for the students," PM Rowe said, and reiterated the current status of the student pickup in afternoon, with the existing queue for 18 cars. PM Rowe advised that Staff supports not having an additional traffic study for this request. He also called attention to the proposed Resolution: Section 4 (2A): The drop-off/pick-up process shall be reviewed on an annual basis. Should problems or congestion occur on or off-site, the use permit shall be brought back for Planning Commission review (*Section continues*)

Disclosure(s): Chair Koepp-Baker advised of having been contacted by the School Principal by a principle of the management firm, Gloria Pariseau prior to the last meeting when the matter was originally scheduled for hearing. Commissioner Tanda disclosed he had been contacted via e-mail by the applicant asking for if he had 'special concerns' regarding the request; he had replied by e-mail he did not.

Commissioner Lyle referenced the queuing area for the drop-off lane, which he said,

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“Space for the 18 vehicles would be in excess of 160-feet,” and said he would ask the applicant for information regarding that space.

Chair Koepp-Baker opened the public hearing.

Gary Walton, Box 1265, addressed the Commissioners, saying, “I’m here tonight with the school Principal Geralyn Vasquez. Mr. Walton said he concurred with the staff report as supported by the existing traffic study. Mr. Walton also reminded that the School Officials have responded quickly to any concerns mentioned.

Commissioner Lyle asked Mr. Walton about the length of the queuing lane. Mr. Walton responded, “I did not measure it, but looking at the drawing, I can see that it indicates there is one side but queuing can stack down both sides. I believe it is about 160 feet on one side.”

Commissioner Acevedo asked for clarification of the area being discussed. Commissioner Lyle said the queue lane probably needs about 20 feet per car.

Mr. Walton said, “There is 184 feet from the curb, not counting handicapped space(s).”

Commissioners asked questions of Mr. Walton:

- additional number of students
- class size increase
- potential for more students per class room
- 30% of current enrollment contains student siblings- might that change?

Mr. Walton deferred to Ms. ~~Walton~~ **Vasquez** for explanation of the issues raised.

School Principal Geralyn Vasquez, 3400 Ranch Vista Court, Gilroy, addressed the Commissioners saying:

- she had been with the Academy (School) since it was started.
- detailing the events when overflow parking was utilized (about four times per year); events could be ‘split’ to better accommodate parking at the special events, e.g., Back to School Night, Science Fair, etc.
- expectation that the enrollment would be increased gradually
- currently approximately 80 families are involved with the school

Responding to a question from Commissioner Moniz, Ms. Vasquez explained the days and hours of operation. She also reiterated that there had been only one complaint which was quickly resolved.

Commissioner Lyle noticed that in the afternoon there could be 18 cars in the queue with a possibility of three cars in the street. “However, you could have 11 more cars if the enrollment is increased to 200. How can you accommodate those cars without street queuing?” he asked. Ms. Vasquez indicated intent to put into place a plan for ‘staggered pick-up’. “Please remember, too, that not the entire student population leaves at the same time now. We have study hall and other after school obligations for the students. We do not anticipate a problem as we encourage carpooling and some students walk to the site.”

Commissioner Mueller said, “If there are presently three cars in the street, the school must have afternoon staggered pick-up, so you need preplanning. It is not good to have cars in the street.”

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Chair Koepp-Baker announced that she had ‘frequently observed the other side of the street as she ~~live~~ *lives* a couple of blocks away’. “I’ve watched this site for two years and I have yet to see an illegal left turn. There is a wide area on the other side of the street for cars to pass. There are at least 20 walkers daily to the school. Yes, the enrollment can be anticipated to go up as more students from the neighborhood will undoubtedly be coming in to the school.”

Commissioners discussed with Ms. Vasquez:

- the hours for study hall (ends at 5 – 5:30 p.m.)
- scale with 50% increase
- left turn issue (school rule right turn only)
- peak period for traffic: (3:30 - 3:45 p.m. for pick up less peak in a.m.; generally commuters who drop children off from 7:30 – 8:15 a.m.)

PM Rowe observed, “Parents generally don’t want to get in queue before children get out of class.”

Chair Koepp-Baker said she had frequently been by the school ~~at no queue~~ at dismissal time and had never observed difficulty with the queuing or the traffic.

Ms. Vasquez stated, “There is constant stream of cars at pick-up time. They stop only to have children get into the vehicles.”

With no others present to speak to the matter, the public hearing was closed.

Commissioner Tanda expressed the need to have a representative of Public Works speak to questions of:

concern that the Condition regarding a traffic study prior to any further expansion of enrollment; PM Rowe explained that City staff has said a new (and expensive) traffic study would not be necessary based on analysis, which doesn’t speak to change of the Condition 4 (2A)

Commissioner Mueller recalled that the original traffic study ~~for~~ had been based on an enrollment of 200 students, the explained the plan to look and see how the program operated. He also noticed that originally the neighborhood had been very involved in working with the School and City personnel in planning the traffic ingress/egress of the site. Commissioner Mueller and PM Rowe addressed the intersection (LoC) which by a City wide study did not indicate the need to for a longer, deeper turn lane. “At present, the study has shown that only 3 cars are making left turns at any given time,” PM Rowe said.

Commissioner Lyle commented, “The Principal has said more cars may be added with the increased enrollment, but the queue is not full very often, but if there are 18 (letter of response) in the queue, then the queue would be full.”

Chair Koepp-Baker was requested to re-open the public hearing.

Ms. Vasquez answered the question: what worst (largest) number of cars in the queue?
[18]

Commissioner Lyle asked, “What *typically* would the number be in the queue?” [8 – 10]

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Chair Koepp-Baker asked, "How much time does it take to empty the queue if there are 8 cars in the queue – what amount of time?" Ms. Vasquez responded, "Immediately. We have staff with walkie talkies on duty to call the names of students, who get into the car and it is gone"

The public hearing was closed.

Commissioner Tanda spoke to a level of service in the p.m. which he described as 'probably at level a' and saying, "But there is still a concern of queuing." He continued by saying, "We appear to be looking for 'in lieu of' traffic study, which is not a convincing argument for not having a traffic study done. My intuition is that there will not be a problem. But the pervious Planning Commission spoke to updating the traffic study. I believe there is still an obligation to speak to that study. To see what the queuing has resulted in."

Chair Koepp-Baker suggested the issue could be reviewed following six months of increased enrollment rather than an annual.

Commissioner Lyle advocated revisiting the matter in October and said, "I would be comfortable with inching toward full enrollment by having staff review."

Commissioner Moniz recommended looking at the traffic and queuing issues after increase of <for example> 35 students rather than a date certain.

Chair Koepp-Baker was requested to re-open the public hearing.

Commissioner Mueller asked Ms. Vasquez if the enrollment changes much during the school year? Ms. Vasquez responded, "Right now we have 123 students. We expect 130 in the fall. We know we may lose students due to the current economy."

Commissioner Mueller asked, "When you watch the traffic flow in the a.m., how difficult would it be to put together data regarding the ~~length of time~~ **number of cars** in the queue for both a.m. and then p.m.?" Ms. Vasquez assured it could be tracked and reported.

Commissioner Lyle asked about the School's agreement with Shadow Mountain Church. "Are they going to try to dispose of that site?" he asked. Ms. Vasquez said, "We are still in agreement for overflow parking at the Shadow Mountain Church." She also noted that Mr. Walton owns site 'right next door to School and that is used for overflow as well'.

Commissioner Tanda asked Ms. Vasquez if there were plans to move from the current school site? [No]

PM Rowe reminded that Conditions run with the land.

Commissioner Tanda reiterated the wish to hear from Public Works. "What would a delay of a month mean to the School?" he asked. Ms. Vasquez responded, "The owners would like to have the availability of knowledge of increased enrollment as soon as possible."

PM Rowe reiterated that there was no reason for further study.

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Chair Koepp-Baker noted Public Works appears to be happy with what have what they have now.

Commissioner Lyle asked, "Is what we are really concerned with is whether the queues can't be done off the old study? And do we know if Public Works is staffed to be able to do the queuing report?"

Commissioner Mueller commented, The Condition calls for a normal review. Have there been any issues? None reported, so no big detailed analysis has been done. It is true that the last analysis was done 6 - 7 years ago."

PM Rowe reviewed the findings of the prior traffic study.

Chair Koepp-Baker pointed out that Hale and Llagas now have left turn lanes which were not available at the last traffic study, indicating that might provide alleviation from increased traffic problems.

The public hearing was closed.

Commissioner Mueller said he felt some of the concerns had been answered in the discussions and public hearings.

Commissioner Mueller said, "So I think we've agreed:

- school personnel gives to Planning Staff every October 15 queuing report
- there has recently been an area-wide traffic analysis by the City

Commissioner Lyle asked if part of the area-wide study was: how many on Llagas waiting to turn left? Commissioner Mueller said it should be easy to study the presented data.

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW THE CURRENT ENROLLMENT LIMIT OF 130 STUDENTS TO INCREASE BY 70 STUDENTS TO A MAXIMUM OF 200 STUDENTS FOR A PRIVATE ELEMENTARY SCHOOL LOCATED AT 410 LLAGAS ROAD, WITH MODIFICATION TO SECTION 4 (ADDING (2 I):

There shall be a requirement for annual review by October 15 of the traffic study and report of the queuing every day for a week period preceding October 15 of each year through the first two years of the School reaching 200 students in enrollment.

NOTING THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AND THE NEED FOR CORRECT RENUMBERING OF SECTION 4 (2 A – I), COMMISSIONER MONIZ SECONDED THE MOTION.

Under discussion, Commissioner Tanda asked what happens if the issues raised in the study indicate need for change? Commissioner Mueller said, "Staff would notice the School that they must find and present a solution of the problem." Commissioner Tanda said, "It should be included in the motion a description of what would happen if an issue comes about." He then spoke to the following"

- concern of the overflow
- need to ensure that queuing not impede into the <street> traffic lane

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- if the school monitors, they would have to take appropriate action to avoid having cars not back up into traffic
- need to have an added set of data for staff to analyze to minimize cars in queue

Commissioner Acevedo said he felt those issues were ‘generally covered in the Resolution. “When the School gives the report and < if > our Staff sees problem, then the matter comes back to the Planning Commission and the School can provide mitigation.”

Commissioner Tanda remarked, “What I’m saying: with this we look at expanded the required report to see what works. The sequencing is an issue. We need to consider what we are asking the School to do.”

Commissioner Lyle observed, “We are asking particular emphasis on Llagas Road? Commissioner Tanda said, “Yes, the concern is of traffic at 40 mph.”

Commissioner Acevedo suggested addressing adverse traffic effects.

Commissioner Mueller commented, “We have put it in the new section that we are telling the applicant what we are particularly interested in.”

Commissioner Moniz stated, “It appears that we are complicating this issue for the applicant.”

Commissioner Tanda said, “I prefer to believe that what we are trying to do is have it so the applicant does not have to come back to another meeting. I do not see why there is a problem with Public Works speaking to the issue.”

Commissioner Mueller said, “I believe we are providing a good way to monitor the school site as the enrollment grows. This is a small site.”

Commissioner Lyle stated, “The bottom line is: can we trust them to try to fix things? I believe we can.”

THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; ESCOBAR WAS ABSENT.

2) HIGH-SPEED TRAIN PROJECT LEVEL EIR/EIS SCOPING MEETING

Information regarding the Notice of Preparation and Scoping Meetings for the project level Environmental Impact Report/Statement for the San Jose to Merced Section of the proposed High-Speed Train System.

PM Rowe presented the staff report utilizing a map of the general alignment for the proposed service. He then referenced the schedule of upcoming information meetings, one of which will be in Gilroy March 26 3-7 p.m.

PM Row called attention to the Notice of Preparation attached to the staff report, and advised he would be giving presentation to the City Council at the scheduled meeting next week. Noting that the area between San Francisco and Gilroy will ultimately produce eight Environmental Assessments, he noted the following for Morgan Hill: alignment through Morgan Hill on or adjacent to the tracks with gradual elevation (26 feet above

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current tracks) through the City so all intersections graded.

Responding to questions from the Commissioners, PM Rowe spoke to:

- proposed typical clearances
- need to have tracks on unconstrained area
- right of way 100 feet; in urban area 62 feet right of way
- directly above or adjacent to existing tracks
- the preferred alignment
- environmental work to be completed by 2011
- first section completed by 2020 in San Francisco

Ascertaining that the High Speed Rail Commission has a web site, Commissioner suggested a link for the City web site so residents could track progress of the matter. PM Rowe said a four-minute video was being prepared to tell about the consequence of speed, elevation, etc., would be shown at the upcoming City Council meeting and noticed that could be put on the City web site as well.

Other issues discussed were:

- rail speeds through Morgan Hill proposed to be about 120 miles / hour
- service would run 24 hours day (unknown; good question for scooping committee)
- expect system wide 93 million passengers annually by 2030

Commissioner Tanda turned attention to a letter from Ben Strumwasser of the High Speed Rail Authority wherein Mr. Strumwasser representatives of the Authority would be happy to make presentation at Planning Commission. "I think we ought to take the environmental processes very seriously," Commissioner Tanda said. He went on to speak to issues of

- under grounding cost much more but being considered; provided information saying cities such as Palo Alto will file lawsuits if the service is not under grounded at that location
- need to identify alternatives, e.g., under grounding, etc. for consideration
- belief that a forum here (in Morgan Hill) would be best with Planning Commissioners present

Other Commissioners asked questions/engaged in discussion of:

- speed of current train between San Jose and San Francisco
- {nice to know} proposed schedule for implementation would be
- if tracks 26-feet high, what would noise envelope be
- 'friendlier' to go through 101 rather than through Morgan Hill

By consensus, Commissioners directed staff to correspond with representatives of the High Speed Rail Commission, asking for a presentation at an upcoming meeting.

A set of concerns will be formulated for presentation to those representatives. PM Rowe said he would try to arrange a presentation for the next Commission meeting.

Commissioner Acevedo suggested there may be effort to save money with utilization of existing stations.

Commissioner Tanda reminded, "The high speed rail is being provided as an alternative to air travel."

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ANNOUNCEMENTS Commissioner Tanda said he wanted to speak to a letter received from Mayor Tate wherein the Mayor put forth a challenge to the City Council, City Commissions and Committees 'to participate in a Carbon Footprint Diet Reduction Club program for 30 days and see which group can reduce the most greenhouse gas emissions. Commissioner Tanda said this was a very important issue and asked to have the issue agendaized for the March 24, 2009 Planning Commission meeting.

ADJOURNMENT: With no further business to be completed, Chair Koepp-Baker adjourned the meeting at 8:14 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk